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58th meeting of the General Committee

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require some time between sessions to go through sections of the text which it had not yet examined, though he agreed that its meetings should run into the next session of the Conference. One problem was the processing of documents in all languages.

47. Mr. ORREGO VICUÑA (Chile) said that the list of questions mentioned by the Chairman was realistic and should not be extended by topics reflecting the interests of individual delegations. He would have preferred the more generic listing contained in document A/CONF.62/BUR.13.

48. The Chairman had used the term "negotiations" in place of the term "consultations" used in document A/CONF.62/BUR.13. It was essential not to prejudge the consultations that were yet to be held.

49. He agreed with the Brazilian representative that any changes introduced at the next session must be the result of a consensus.

50. With regard to the duration of the tenth session, five weeks should be ample for concluding the negotiations. Six weeks should be the maximum period allowed. Whatever period was chosen should be non-extendible so as to leave no doubt as to the urgency of the Conference's task.

51. The CHAIRMAN said that consultations preceded negotiations; the two were not mutually exclusive.

52. Mr. RICHARDSON (United States of America), associating himself with previous speakers who had stressed that apart from the final session at Caracas for signature of the Convention, the next session must be the last, said that the points made by the Chairman were useful and constructive. The regional group to which his delegation belonged had not yet received the information to which the representative of Uganda had referred. He hoped that information would be available before the next group meeting.

53. Realism had been invoked as an argument in favour of a session lasting as long as eight weeks, apparently on the premise that five weeks would be required after the initial period of consultations or negotiations in order to dispose of amendments. He found that an alarming prospect in the light of another element of realism: the danger to the results of years of work that could arise from the amendment process itself. He did not question the right of delegations to propose amendments, but the existence of a right did not compel its exercise. He recognized, however, that

there must be an opportunity to encourage consensus and allow time for the necessary consultations to achieve such consensus, and he was prepared to agree that the session should be scheduled for a fixed period of six weeks, for the reasons given by other delegations.

54. On the basis of a 40-hour week and on the assumption that work might progress at an average rate of 10 articles a day, it would take the Drafting Committee eight weeks to deal with the 400 or so articles in the text. It was important for interested delegations to know when particular parts of the text were to be considered. It would be helpful, for example, to know in advance when Part XI would be considered so that delegations that had been engaged most closely with the Chairman of the First Committee could be available during the period concerned.

55. He did not share the view of the representative of the United Republic of Cameroon concerning a possible break between the meetings of the Drafting Committee and the meetings of the Conference as a whole. Governments would wish to review the work of the Drafting Committee and determine whether it was consistent with their views on substantive questions in the text. That would be a realistic approach, taking account of the whole range of factors that had to be dealt with in order to ensure that the necessary work of the Conference could be completed without reopening matters that had already been the subject of intensive negotiation.

56. Mr. TSHIKALA KAKWAKA (Zaire) explained that the letter to which the Chairman of the First Committee had referred had been addressed by a number of delegations, including Zaire, to the President of the Conference, and not to the Chairman of the First Committee. It had been intended for circulation to delegations for their information, and its authors had not asked for it to be sent to the Chairman of the First Committee.

57. The CHAIRMAN said that it had been the consistent procedure of the Conference, based on a decision taken in 1975 when the informal composite negotiating text had first been issued, that no documents reflecting possible changes to an informal text would be circulated as formal documents. That was why he had requested that the letter addressed to him by the delegations in question should be sent to the Chairman of the First Committee, and not circulated.

The meeting rose at 1.10 p.m.

58th meeting

Thursday, 28 August 1980, at 3.35 p.m.

Chairman: Mr. H. S. AMERASINGHE

Organization of work for the tenth session (concluded)

1. The CHAIRMAN said that, if there was no objection, he would take it that the members of the General Committee agreed to limit the length of their statements to three minutes.

It was so decided.

2. Mr. RAOELINA (Madagascar) said he hoped that the oral report which the Chairman had made to the Committee at the previous meeting would be distributed as soon as possible to all participants in the Conference. He noted that there would be no duplication between the work of the plenary Conference and that of the First Committee, and that the list of outstanding issues was not exhaustive. He could not agree, however, that a package deal was preferable to a lack of agreement. In his delegation's view, a package deal which did not resolve the fundamental issues for the developing countries would be valueless, since it would nullify the efforts which had been made over a number of years. In that connexion, his delegation fully shared the Irish delegation's

concern about some aspects of the work of the Second Committee. Furthermore, improvements should be made in the texts under consideration by the First Committee. The report of the General Committee must therefore clearly state that negotiations should be continued during the tenth session.

3. After the negotiating phase, Governments would have to be given sufficient time to study the draft convention before submitting amendments and adopting a final text. His delegation could not agree to any proposal which did not take that requirement into account.

4. Lastly, with regard to the duration of the tenth session, his delegation considered that a long session would be inadvisable for the reasons already stated by the Algerian delegation. If the international community was prepared to demonstrate the necessary political will, four or five weeks would suffice to adopt the convention.

5. Mr. MARSIT (Tunisia) said that he saw no reason to make arrangements for a session of more than six weeks' duration. As

for the questions to be considered at the tenth session, it should be sufficient to mention some of them without prejudging the decision of the Conference. His delegation did not agree that amendments should be made to the package deal and urged that the rules of procedure of the Conference should be observed.

6. Mr. DE LACHARRIÈRE (France) said that he had noted certain differences between the Chairman's note (A/CONF.62/BUR.13/Rev.1) and the Chairman's oral statement in the previous meeting. First, in the statement no mention had been made of the assistance afforded by the language groups to the Drafting Committee; he hoped it was still intended that such assistance would in fact be provided. Secondly, the phrase "a draft convention" had been replaced in the statement by the more judicious phrase: "the text as finally drafted". Some delegations had basic objections to the use of the term "draft convention" to denote the text which emerged from the discussions. Accordingly, a consensus should at least be reached on the title of the text, bearing in mind that the text drawn up by the Collegium was to be distributed the following day without Governments having had time to consider it. Furthermore, there were omissions and disputed provisions in that text. He therefore proposed that the Chairman should find a term which took account of the fact that the text constituted an improvement on the former text but remained a negotiating text and was still only an informal document.

7. The CHAIRMAN agreed that the third revision would not constitute the final negotiating text and said he would endeavour to find an appropriate title for it.

8. Mr. TIWARI (Singapore) said he was in favour of a tenth session of six weeks but, if necessary, he could support the idea of holding an eight-week session with a short break in the middle. He endorsed the suggestion of the Brazilian representative that any amendment to the text should be adopted by consensus during the tenth session. He also supported the idea of intersessional meetings of the Drafting Committee and thanked the Chairman for drawing attention to rule 53 of the rules of procedure concerning the mandate of the Drafting Committee. It was certainly appropriate to refer to that rule in view of the difficulties which were sometimes experienced in distinguishing between drafting amendments and substantive amendments.

9. Mr. CHARRY SAMPER (Colombia) said the important point was that the tenth session of the Conference should really be the last. Having said that, his delegation had fairly flexible views on the duration of that session, although it hoped that the session would not last longer than six weeks. In its opinion, the distinction made in the Chairman's statement between outstanding issues and issues on which some delegations had not yet taken a final position was important and should be reflected in the written text; the former involved negotiations while the latter simply involved opportunities for contacts and adjustments. Lastly, as the Brazilian representative had said, any amendment to the negotiating text at the tenth session should be adopted by consensus.

10. Mr. PAPADOPOULOS (Cyprus) supported the Chairman's comments on the programme of work and the distinction between outstanding issues to be considered at informal plenary meetings

and issues which would continue to be the subject of consultations. He did not share the opinion of members of the Committee who wished to see certain questions which essentially reflected individual interests explicitly mentioned in the Chairman's written text.

11. His delegation was in favour of a single session of six to eight weeks, according to requirements. It hoped that delegations would not wait until the last minute before manifesting the political will necessary to ensure the success of the Conference.

12. Mr. IDRIS (Sudan) said that in addition to the outstanding issues—participation, the mandate of the preparatory commission, preparatory investments made before the convention entered into force—other issues had not been completely resolved and should occupy the attention of the Conference. In that connexion he had in mind the rights of land-locked and other geographically disadvantaged States.

13. His delegation shared the views of the representatives of Zambia and Zaire concerning the programme of work and the duration of the tenth session of the Conference. In his opinion, a six-week session should be sufficient to enable the Conference to complete its work. In fact, the success of the Conference basically depended on the political will of States and on their desire to negotiate on important issues.

14. Lastly, he emphasized that the tenth session of the Conference must be the last.

15. Mr. PERIŠIĆ (Yugoslavia) considered that provision should be made for a further three to four weeks of informal negotiations. The question of participation should be settled in the future convention, but other outstanding problems could be solved after its adoption. His delegation's position on the duration of the tenth session was fairly flexible.

16. Mr. DREHER (Federal Republic of Germany) endorsed the comments made by the representative of France concerning the title to be given to the text submitted to the Conference; his delegation could not agree to a title such as "draft convention".

17. The CHAIRMAN said that it was not so much the title which mattered as the conclusions which might be drawn from it and the status of the text. The question must be settled by the Conference at its next meeting. In any case, any reservations that delegations might make on the subject would be noted.

18. Mr. BEESLEY (Canada), Chairman of the Drafting Committee, said that the language groups would certainly participate in the intersessional meetings of the Drafting Committee; their participation was essential to its work. He was grateful to the representative of Singapore for drawing attention to the Chairman's reference to rule 53 of the rules of procedure concerning the Drafting Committee. That Committee had been hampered by the fact that some small delegations had been unable to take part in its work. It was therefore essential to give Governments a certain amount of time in order to study the many amendments that had been suggested.

19. The intersessional meetings of the Drafting Committee were scheduled to last for six weeks but, in his opinion, they would probably go on for eight weeks.

The meeting rose at 4 p.m.